

## REMARKS

### *In the Specification*

Applicant respectfully submits the following changes to be made in the application, on page 4, second to last line, “leaner” should read “learner”.

### 5 *Claim Objections*

Claim 1 is objected to because “learn” should be “learner”. Examiner objects to the word “leaner” in claim 1 as originally filed, but likely is referring to “learn”. Applicant has amended the claim to correct the language. Withdrawal of this objection is respectfully requested.

Claim 3 is objected to because “A words and phrases” should be “words and phrases” and 10 “library;” should be “library.” Applicant has amended the claim to correct the language. Withdrawal of this objection is respectfully requested.

Claim 9 is objected to because “is compared to;” should be “is compared to:” Applicant has amended the claim to correct the language. Withdrawal of this objection is respectfully requested.

### *Rejections Under 35 USC 102*

15 Claims 1 & 14 stand rejected under 35 USC Section 102(b) as being anticipated in view of Rosenfield, et al. (U.S. 6,358,053) hereafter referred to as ‘053. With respect to Claim 1, Claim 1 has been cancelled and combined with claim 2 making traverse of this rejection moot. With respect to Claim 14, Claim 14 has been cancelled making traverse of this rejection moot.

### *Rejections Under 35 USC 103*

20 A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
- 25 5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the *prima facie* case of obviousness from being established.

5                   Claims 2 & 3 stand rejected under 35 USC 103(a) as being unpatentable over Rosenfield, et al. ('053) in view of Sameth, et al. U.S. Patent 5,882,202 (hereafter referred to as '202). Applicant concedes that '053 teaches all the limitations of claim 1 but disagrees that '202 teaches a language library contains: a dictionary, *recordings of live conversations*, and written text in a variety of desired languages and skill levels.

10                  With respect to the language library containing recordings of live conversations, '202 does a database that consists of a dictionary and written text, which may include conversations. What '202 does *not* disclose that is taught and claimed by the present invention is the recording of live conversations between learners or a learner and a tutor for storage and later retrieval within the system. At best one could argue that the database of '202 contains transcripts of once 15 live conversations, but those conversations can only be those that occur outside the system, wherein the present invention records and stores conversations as they occur within the system between learners. Here the references fail to teach one of the claim limitations as required for a proper 103 rejection. Withdrawal of this rejection is respectfully requested.

With respect to claim 3. Applicant concedes that '053 teaches all the limitations of claim 20 1 but disagrees that '202 teaches a pronunciation instruction session providing means for audio input by learner for comparison to audio output of select word or phrases from the language library.

With respect to means for audio input by learner for comparison to audio output of select word or phrases from the language library, Examiner provides no direct citation in '202 where

this feature is taught but merely states “(pronunciation guide of Sameth, et al.). ‘202 reads as follows, “As a further aid, a pronunciation guide displays an animated representation of a person's lips as the correct enunciation of selected words in the foreign language” See Abstract of ‘202. There is no mention in ‘202 of audio input or recording means as taught by the present invention. The present invention discloses and claims the ability for a learner to record their voice and then listen to their recording and pronunciation of a word or phrase and the pronunciation of the word or phrase by another through a recording stored in the database. ‘202 merely play a database recording of the word or phrase while visually displaying the mouth movements of a person talking or saying the word or phrase. ‘202 does not provide nor teach the ability to record a learner's voice or provide audio playback of the learner's voice and a recorded voice for audible comparison. Here the references fail to teach one of the claim limitations as required for a proper 103 rejection. Withdrawal of this rejection is respectfully requested.

Claims 4, 11 & 16 stand rejected under 35 USC 103(a) as being unpatentable over Rosenfield, et al. ('053) over Sameth, et al. ('202) and further in view of Bishop (US 5,810,599) hereafter referred to as '599.

With respect to claim 4. Applicant concedes that '053 teaches all the limitations of claim 1, refers Examiner to the previous discussion with respect to the traverse of claims 2 and 3 above upon which claim 4 depends, and further disagrees that '599 teaches a language instruction session including a writing instruction section for submission of learner's text for review. Applicant concedes that both '599 and the present invention consist of an input device, namely a QWERTY keyboard as described in both, but '599 at col. 7, l. 26-50 teaches a question and answer session where input form a user can be in text or voice. There is no means for the submission of a “text” as defined by the present invention to include a longer written product and

not a word or sentence answer to a question. In the present invention, a learner is able to submit a written product such as a term paper or report for review by another learner, a tutor, or a teacher within the system. '599 only provides for the automated analysis via comparison to a database of text or phrases denoted as "answers" to the questions present which require a written response, or voice comparison to audio answers provided (see col. 7, l. 26-50). With respect to col. 10, l. 15-18 of '599, disclosed therein is a role play session where a user/learner simply inputs answers via the keyboard. At best one could argue that in the present invention and '599 there is the ability to input text for review, but there is no review by a third party as taught by the present invention. Claim 4 has been amended to specifically include the review by another learner, a tutor, or a teacher, and not the mere comparison of a textual word or phrase answer to a question or role play to a database of pre-defined answers. Applicant invites Examiner to further discuss the possible further amendment of this claim to more specially define "text for review" if necessary to further distinguish over that of '599. Here the references fail to teach on of the claim limitations as required for a proper 103 rejection. Withdrawal of this rejection is respectfully requested.

With respect to claim 11, Applicant concedes that '053 teaches all the limitations of claim 1, refers Examiner to the previous discussion with respect to the traverse of claims 2 and 3 above upon which claim 11 depends, but disagrees that it would be obvious to store writing and audio samples in a learner's database for later review or to measure progress. The measurement of progress is well known in the learning and teaching arts to be the of taking and obtaining of a specific score or achievement level on a test, and not through an exhaustive review of a person's "body of work" to obtain a subjective measure of achievement. The objectivity of a single exam or a series of examinations corresponding to that of various achievement levels is known and

established in the prior art. At this point Examiner has cited three prior art documents, and nine prior art documents have been submitted by applicant on the previously filed IDS, all relevant to the online language learning area of art, yet Examiner alleges that limitation element of claim 11 is obvious to one of ordinary art, but fails to provide one citation or reference which teaches

5 something that is alleged to be obvious. Applicant strongly disagrees that it is obvious or a known advantage to store the text and audio inputs of a user for later comparison or measurement as it is neither taught nor suggestion in any of the 12 prior art documents. By Examiner's rationale, any addition to any prior art learning system would be obvious because the addition would "enhance oral and/or reading comprehension", therefore rendering any

10 improvements unpatentable. Unless a citation can be provided showing the obviousness of this element, withdrawal of this rejection is respectfully requested.

With respect to claim 16, Applicant concedes that '053 teaches all the limitations of claim 1 and claim 16, but refers Examiner to the previous discussion with respect to the traverse of claims 3 and 11 above upon which claim 16 depends. Withdrawal of this rejection is

15 respectfully requested.

Claims 5-10, 12, 13, 15, & 17-19 stand rejected under 35 USC 103(a) as being unpatentable over Rosenfield, et al. ('053), Sameth, et al. ('202), Bishop ('599) and further in view of Rtschew, et al. (US 6,302,695) hereafter referred to as '695.

With respect to claim 5, Applicant concedes that '053 teaches all the limitations of claim 20 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3 and 4 above upon which claim 5 depends, and further disagrees that '695 does not generate a statistical analysis of the corrections. Examiner references col. 18, l. 53-63 but incorrectly understands what action the teacher is taking in '695 and their "report". '695 states:

5       “Although not explicitly shown, typically the teacher may point other types of errors in each learner's message. For example, the teacher may point out only three errors in each message. In such a case, it is believed that the teacher will flag only the most important speaking errors to the learner. Having substantially more than three errors being pointed out by the teacher for the message is not only burdensome for teachers, but may be discouraging to learners attempting language fluency. As a result, indication of a smaller number of errors per message is used in the current embodiments of the present invention.”

10      In '695 there is no statistical analysis that provides a “frequency of errors” disclosed and required and generated by the present invention. Here, the teacher merely provides a review of the submitted text and is specifically taught to be limited to returning to the learner no more than three errors. The system of the present invention provides no such limitation on the number of errors that may be reported to a student and requires that as many errors as possible be report.

15      '695 is concerned with the burden on the teacher and the discouragement that is provided by a student who makes more than three errors. The present invention is focused on showing a student all their errors, recording the frequency of the errors, in quantity and type, and then enable the student, via a report, using a statistical analysis, to determine if their error rate is improving, worsening, and identifies what errors are more or less common for them personally

20      and where their strengths and weaknesses in learning the foreign language lie. '695, neither suggests or teaches a statistical analysis and Examiner's effort to correlate the reporting of a maximum three errors and their later potential correction as a statistical analysis is incorrect and unsupported. Withdrawal of this rejection is respectfully requested.

With respect to claim 6, Applicant concedes that '053 teaches all the limitations of claim  
25      1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, and 5 above upon which claim 6 depends, and further disagrees that '202 further teaches the learner choosing the content of interest. The present invention allows a learner to select “content

of interest” based on subject matter for the desired language being learned. In the present invention “content of interest” does not equate to the foreign language of interest of desire to be learned. Content of interest as defined in the present invention is a sub-set of the materials in a database associated with each language. These materials enable a learner to study subject matter, 5 for example gardening, sports, politics, lifestyle, etc., in the foreign language. None of the cited prior art teaches, discloses or suggests the use of contact or subject based materials for use in the learning of a foreign language for providing interesting content to a learner so that they are not only working on learning a language but also reading, studying, or discussing a topic they are interested in as well. For example, a sports fan of world cup soccer may be studying German in 10 preparation for a trip to the World Cup in 2006. This learner not only desires to learn the German language, but would find it much more enjoyable if his learning content was focused on sports and possibly soccer, rather than content provided only for the sake of building vocabulary or sentence structure. Applicant hopes that this discussion has clearly defined the difference between “content of interest” and simply the “selection of a foreign language”, which appears to 15 be the basis of misunderstanding. Amendments to the claim language have been presented to better define the scope of the claim. Withdrawal of this rejection is respectfully requested.

With respect to claim 7, Applicant concedes that ‘053 teaches all the limitations of claim 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, and 6 above upon which claim 7 depends, and further disagrees that ‘053 teaches the creating of 20 a personal database wherein *learner* enters selected content which contains word cards and phrases. Examiner cites col. 6, l. 31-36 of ‘053 alleging that it teaches this limitation, but ‘053 teaches content provided by professors or consultants to be stored in the database. ‘053 does not teach nor suggest that a learner may created their own personal and individual word or phrase

cards for storage and retrieval for personal learning. Withdrawal of this rejection is respectfully requested.

With respect to claim 8, Applicant concedes that '053 teaches all the limitations of claim 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, and 7 above upon which claim 8 depends, and further disagrees that '695 teaches the connection of words and phrases to sentences in a learner's personal database. Examiner cites no specific section of '695 only "create exercises", which only appears twice in '695 and appears to be no more than the ability to create question and answer exercises, which is a guess by Applicant as it is actually undefined in '695. In either event, the "create exercises" component of '695 does not suggest or teach a personal learner database where a user may create links or reference materials that link words, phrases, and sentences. The present invention does not teach the creation of an exercise, but merely the ability to create links in a learner's personal database so that they can quickly and effectively reference a word or phrase and view a sample of its use, as personally defined. Withdrawal of this rejection is respectfully requested.

With respect to claims 9 and 10, Applicant concedes that '053 teaches all the limitations of claim 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, 7, and 8 above upon which claims 9 and 10 depend. Withdrawal of this rejection is respectfully requested.

With respect to claim 12, Applicant concedes that '053 teaches all the limitations of claim 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, 7, 8, and 10 above upon which claim 12 depends, and further disagrees that '202 teaches a method where a language coach or learner may access writing or audio samples for review. Examiner cites '202, col. 2, l. 19 & 20, which when taken out of context reads "retrieving the

stored audio visual presentation for the saved word". There is no mention or suggestion of this being done by a learning coach nor of audio or writing samples created, stored and provided by the learner. Furthermore, when that section of text is read in view of the entire paragraph in which it is taken from, it is apparent that the materials referred to in the database are the teaching materials provided by the system and not the learner's submitted and stored materials. The claim language has been amended to specifically limit the writing or audio samples to that submitted by the learner. Withdrawal of this rejection is respectfully requested.

With respect to claims 15 and 17, Applicant concedes that '053 teaches all the limitations of claim 1, but refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, 7, 8, 9, and 10 above upon which claims 15 and 17 depend. Withdrawal of this rejection is respectfully requested.

With respect to claim 13, Applicant concedes that '053 teaches all the limitations of claim 1, refers Examiner to the previous discussion with respect to the traverse of claims 2, 3 and 11 above upon which claim 13 depends. There is no mention or suggestion of this being done by a learning coach nor of audio or writing samples created, stored and provided by the learner. It is apparent that the materials referred to in the database are teaching materials provided by the system and not learner's submitted and stored materials. The claim language has been amended to specifically limit the writing or audio samples to that submitted by the learner. Withdrawal of this rejection is respectfully requested.

With respect to claim 18, Applicant concedes that '053 teaches all the limitations of claim 1, refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 11, and 13 above upon which claim 18 depends. Withdrawal of this rejection is respectfully requested.

With respect to Claim 19, Claim 19 has been cancelled and combined with claim 2 making traverse of this rejection moot.

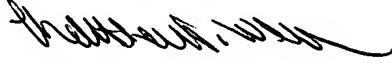
### **CONCLUSION**

For all the reasons advanced above, Applicant respectfully submits that the application is in  
5 condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,

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